

1 THE HONORABLE BENJAMIN H. SETTLE  
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13 UNITED STATES DISTRICT COURT  
14 WESTERN DISTRICT OF WASHINGTON  
15 AT TACOMA

16  
17 JOHN DOE #1, an individual, JOHN DOE  
18 #2, an individual, and PROTECT  
19 MARRIAGE WASHINGTON,  
20

21 Plaintiffs,

22 v.  
23

24 SAM REED, in his official capacity as  
25 Secretary of State of Washington,  
26 BRENDA GALARZA, in her official  
27 capacity as Public Records Officer for the  
28 Secretary of State of Washington,  
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30 Defendantss.  
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39 DECLARATION OF WILLIAM B.  
40 STAFFORD REGARDING INTERVENOR  
41 WASHINGTON FAMILIES STANDING  
42 TOGETHER'S MOTION FOR SUMMARY  
43 JUDGMENT  
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2 I, William B. Stafford, declare as follows:  
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4

5 1. I am an attorney with Perkins Coie LLP, counsel for Intervenor Washington  
6 Families Standing Together ("WAFST") in this lawsuit. I have personal knowledge of the facts  
7 set forth in this declaration and am competent to testify to them.  
8  
9

10 2. On August 27, 2010, Plaintiffs' counsel provided a revised version of Plaintiffs'  
11 Confidential Witness List to counsel for other parties in this matter, which identified 19  
12 witnesses, including five individuals identified as John Does #1-5 (respectively;  
13  
14

15 3. On October 15, 2010, defendants and intervenors took the deposition of  
16 Attached as Exhibit A is a true and correct copy of excerpts of that deposition.  
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19 4. On September 15, 2010, defendants and intervenors took the deposition of  
20 Attached as Exhibit B is a true and correct copy of excerpts of that  
21 deposition.  
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24 5. On September 24, 2010, defendants and intervenors took the deposition of  
25 Attached as Exhibit C is a true and correct copy of excerpts of that deposition.  
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28 6. On September 1, 2010, defendants and intervenors took the deposition of  
29 Attached as Exhibit D is a true and correct copy of excerpts of that deposition.  
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32 7. On September 1, 2010, defendants and intervenors took the deposition of  
33 Attached as Exhibit E is a true and correct copy of excerpts of that deposition.  
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36 8. On October 7, 2010, defendants and intervenors took the deposition of  
37 Attached as Exhibit F is a true and correct copy of excerpts of that deposition.  
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40 9. On September 23, 2010, defendants and intervenors took the deposition of  
41 Attached as Exhibit G is a true and correct copy of excerpts of that deposition.  
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44 10. On October 7, 2010, defendants and intervenors took the deposition of  
45 Attached as Exhibit H is a true and correct copy of excerpts of that deposition.  
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47

48 DECL. OF W. STAFFORD RE WAFST'S  
49 MOTION FOR SUMMARY JUDGMENT (No.  
50 3:09-CV-05456-BHS)-2  
51 71718-0001/LEGAL21196059.1

Perkins Coie LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

- 1       11. On September 13, 2010, defendants and intervenors took the deposition of  
2                  . Attached as Exhibit I is a true and correct copy of excerpts of that deposition.  
3  
4       12. On September 13, 2010, defendants and intervenors took the deposition of  
5                  Attached as Exhibit J is a true and correct copy of excerpts of that deposition.  
6  
7       13. On September 15, 2010, defendants and intervenors took the deposition of  
8                  Attached as Exhibit K is a true and correct copy of excerpts of that deposition.  
9  
10      14. On October 1, 2010, defendants and intervenors took the deposition of  
11                  Attached as Exhibit L is a true and correct copy of excerpts of that deposition.  
12  
13      15. On September 24, 2010, defendants and intervenors took the deposition of  
14                  Attached as Exhibit M is a true and correct copy of excerpts of that deposition.  
15  
16      16. On September 24, 2010, defendants and intervenors took the deposition of  
17                  Attached as Exhibit N is a true and correct copy of excerpts of that deposition.  
18  
19      17. On September 22, 2010, defendants and intervenors took the deposition of  
20                  Attached as Exhibit O is a true and correct copy of excerpts of that deposition.  
21  
22      18. On September 22, 2010, defendants and intervenors took the deposition of  
23                  Attached as Exhibit P is a true and correct copy of excerpts of that deposition.  
24  
25      19. On September 27, 2010, defendants and intervenors took the deposition of  
26                  Attached as Exhibit Q is a true and correct copy of excerpts of that deposition.  
27  
28      20. On September 23, 2010, defendants and intervenors took the deposition of  
29                  Attached as Exhibit R is a true and correct copy of excerpts of that  
30                  deposition.  
31  
32      21. On August 26, 2010, defendants served a Request for Production of Documents  
33                  on plaintiffs. Defendants sought all documents "relating to any alleged harassment, threat or  
34                  retaliation relating directly or indirectly to [Referendum 71] . . ." Plaintiffs provided their  
35                  written response to defendants' discovery request on September 21, 2010. Attached as Exhibit S  
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DECL. OF W. STAFFORD RE WAFST'S  
MOTION FOR SUMMARY JUDGMENT (No.  
3:09-CV-05456-BHS)-3  
71718-0001/LEGAL21196059.1

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is a true and correct copy of plaintiffs' response to defendants' Request for Production of Document.

22. Plaintiffs produced 1,542 Bates numbered pages of documents and audio files of voice messages in response to defendants' discovery request. I have reviewed Plaintiffs' production. It consists largely of newspaper articles and printouts of websites and blog posts regarding the Proposition 8 campaign in California and the Referendum 71 campaign in Washington. Most of the rest of the production consists of communications between Plaintiffs' counsel and the John Doe declarants regarding preparation of the John Doe declarations and emails to Larry Stickney.

23. In his deposition testimony, indicated that he sent an email solicitation to Referendum 71 petition signers whose email addresses he retained, asking them to share their experiences of harassment. could not recall whether any Referendum 71 petition signers responded, but confirmed that any such responses would have been provided in Plaintiffs' production. I have reviewed Plaintiffs' production. Plaintiffs' production does not appear to contain any emails responding to solicitation in which a person indicates he or she was harassed because he or she signed the R-71 petition.

24. On April 28, 2010, the United States Supreme Court heard oral argument in this matter. Attached as Exhibit T is a true and correct copy of excerpts of that oral argument.

25. Since the November 2009 General Election in which Washington voters approved R-71, many of the individuals on Plaintiffs' confidential witness list have referenced their participation in this lawsuit, their support for placing Referendum 71 on the ballot, or their opposition to same-sex marriage and/or gay rights.

26. Attached as Exhibit U is a true and correct copy of a blog post by

1       27. Attached as Exhibit V is a true and correct copy of an April 28, 2010, blog post  
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9       28. Attached as Exhibit W is a true and correct copy of an "Interactive Resume" of  
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16       29. Attached as Exhibit X is a true and correct copy of a newspaper article published  
17       in the , which states that  
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24       30. Attached as Exhibit Y is a true and correct copy of the Senate Bill Report for  
25       E2SHB 1267, a bill considered by the Washington State Legislature in the 2010-2011 session,  
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30       31. Attached as Exhibit Z is a true and correct copy of an August 18, 2010, article  
31       appearing in the and authored by  
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44       I declare under penalty of perjury under the laws of the State of Washington that the  
45       foregoing is true and correct.  
46

47       SIGNED at Seattle, Washington, this 29th day of June, 2011.  
48

49       s/ William B. Stafford, WSBA #39849  
50       William B. Stafford, WSBA #398  
51

DECL. OF W. STAFFORD RE WAFST'S  
MOTION FOR SUMMARY JUDGMENT (No.  
3:09-CV-05456-BHS)-5  
71718-0001/LEGAL21196059.1

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**CERTIFICATE OF SERVICE**

I certify that on June 29, 2011, I electronically filed the foregoing DECLARATION OF WILLIAM B. STAFFORD REGARDING INTERVENOR WASHINGTON FAMILIES STANDING TOGETHER'S MOTION FOR SUMMARY JUDGMENT with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record.

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*Attorneys for Intervenor Washington  
Coalition for Open Government*

**CERTIFICATE OF SERVICE (No. C:09-cv-05456  
BHS) - 1**

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1 I certify under penalty of perjury that the foregoing is true and correct.  
2  
3 DATED this 29th day of June, 2011.  
4  
5 *s/ Kevin J. Hamilton*  
6 Kevin J. Hamilton, WSBA No. 15648  
7 **Perkins Coie LLP**  
8 1201 Third Avenue, Suite 4800  
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14 *Attorneys for Intervenor Washington*  
15 *Families Standing Together*  
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CERTIFICATE OF SERVICE (No. C:09-cv-05456  
BHS) – 2

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